

Application No. 09/982052
Page 5

Amendment
Attorney Docket No. S63.2A-8920-US01

REMARKS

This Amendment is in response to the Office Action dated February 7, 2005.
Each issue in the official action is discussed below.

§102/103 Rejections

Claims 1-3 and 6 were rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jendersee et al. (5,836,965).

Although Applicant disagrees with the rejection, claim 1 has been amended to further distinguish it from the cited reference. Withdrawal of the rejection is therefore respectfully requested.

Claims 7-11, 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Jendersee et al. (5,836,965).

Although Applicant disagrees with the rejection, claim 1, on which claims 7-11, 16 and 17 are dependent, has been amended to further distinguish it, and therefore claims 7-11, 16 and 17, from the cited art. Withdrawal of the rejection is therefore respectfully requested.

Claim 20 was rejected under 35 U.S.C. 103(a) as being unpatentable over Jendersee et al. (5,836,965) in view of Campbell (6,592,568).

In response, Applicant asserts that, under 35 USC §103(c), Campbell (6,592,568) can not be used as prior art because, as conspicuously stated below, the rejected claimed invention of the present application and Campbell (6,592,568) were owned by the same entity or subject to an obligation of assignment to the same entity at the time of invention.

Common Ownership Statement Under §103(c)

The invention defined by claim 20 and Campbell (6,592,568) were, at the time the invention defined in the cited claim was made, owned by or subject to an obligation of assignment to the same entity.

New claims 21 and 24 have been added.

Application No. 09/982052
Page 6

Amendment
Attorney Docket No. S63.2A-8920-US01

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited. If the Examiner wishes to discuss further issues, he is invited to contact the undersigned.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

By: 

William E. Anderson II
Registration No.: 37766

Date: April 15, 2005

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\wca\08920us01_and_20050415.doc